

ROBERT T. EGLET, ESQ.

Nevada Bar No. 3402

ROBERT M. ADAMS, ESQ.

Nevada Bar No. 6551

ARTEMUS W. HAM, ESQ.

Nevada Bar No. 7001

**EGLET ADAMS**

**EGLET HAM HENRIOD**

400 South Seventh Street, Suite 400

Las Vegas, Nevada 89101

Telephone: (702) 450-5400

Facsimile: (702) 450-5451

Email: [eservice@egletlaw.com](mailto:eservice@egletlaw.com)

Jason A. Close, Esq.

Nevada Bar No. 13674

**CLOSE LAW GROUP**

2831 Saint Rose Pkwy STE 240

Henderson, NV 89052

Telephone: (702) 983-4254

Facsimile: (702) 924-4645

Email: [Jason@CloseLawGroup.com](mailto:Jason@CloseLawGroup.com)

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LUCILLE LAGASSE, as Guardian for  
HARRY MICHAEL REID; and, LUCILLE  
LAGASSE,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA;  
DOE INDIVIDUALS I-X; and, ROE  
ENTITIES I-X, inclusive,

Defendants.

Case No. 2:21-cv-00296-APG-BNW

**STIPULATION TO EXTEND  
DISCOVERY DEADLINES**

**(Twelfth Request)**

Pursuant to LR 26-1 and LR IA 6-1, it is hereby stipulated by and between Plaintiffs Lucille Lagasse, as Guardian for Harry Michael Reid, and Lucille Lagasse ("Plaintiffs") and Defendant United States of America ("USA") (together, "the Parties") that the deadlines specified in this Court's Discovery Plan and Scheduling Order (ECF No. 65) be extended one hundred and twenty (120) days. This is the Parties' twelfth request to extend the scheduling order. The Parties jointly request this extension for the reasons stated herein.

1       1. The Parties' Reasons to Extend

2           The Parties recently met and conferred and have reached a good faith belief that they will  
3 be able to resolve this case through private mediation. However, prior to undertaking any such  
4 mediation, undersigned counsel for the United States must expend significant time determining  
5 her office's internal and external budgetary resources for the mediation and attempting to  
6 determine whether the requisite levels of settlement authority, both within her office and her  
7 agency, could be available prior to mediation. Obtaining such authorizations will take up to ninety  
8 (90) days. Rather than continue to incur litigation expenses, the Parties agree it is in everyone's  
9 best interest to extend the remaining discovery deadlines by one hundred and twenty (120) days  
10 to allow the United States sufficient time to obtain the necessary authorizations and for the Parties  
11 to meaningfully participate in mediation.

12           The Parties would not be making this request if they did not share a good faith belief that  
13 the case can be settled and if they were not working diligently to effectuate such a settlement. The  
14 vast majority of discovery in this case has been completed: factual discovery has been completed,  
15 fact depositions have been taken, and expert reports have been exchanged. All that remains are  
16 expert depositions, pretrial motions, and a few potential additional fact witness depositions.<sup>1</sup> In  
17 furtherance of their shared desire to mediate, the Parties have reached out to the Honorable Retired  
18 Judge Jennifer Togliatti to request her availability for private mediation. Judge Togliatti has  
19 agreed to mediate the case in approximately 90 days, which will give undersigned counsel for the  
20 United States the time she needs to evaluate her office's resources and obtain settlement authority.  
21 The Parties are currently consulting with Judge Togliatti to set a mediation date that will work for  
22 all involved.

23           There is a legitimate need for additional time to enable the Parties to meaningfully  
24 participate in mediation due to the nuances of the federal government's procedure for obtaining  
25 settlement authority. The Parties are working diligently to resolve this case and, in light of the  
26 foregoing, believe good cause exists for an extension of the remaining deadlines in this matter.

27 \_\_\_\_\_  
28 <sup>1</sup> There are six (6) fact witnesses in the United States' Rule 26 Disclosures who have not yet been deposed. The Parties are presently participating in a meet and confer to reach an agreement regarding the necessity of taking these witnesses' depositions.

1 With respect to close of discovery, the Parties request that this deadline be extended only for the  
2 limited purpose of completing expert depositions and potential, additional fact witness  
3 depositions which the Parties are currently working to reach an agreement on.

4 2. Discovery Completed

- 5 a. The Parties have disclosed several Rule 26 disclosures and supplements.
- 6 b. Plaintiffs served their First Supplement to Initial Disclosures on June 14, 2021
- 7 c. Defendant USA has issued over a dozen subpoenas duces tecum to third Parties,  
8 most of which have been returned
- 9 d. USA served their First Requests for Production of Documents and First Set of  
10 Interrogatories to Plaintiff William Mayes as Guardian for Harry Michael Reid on  
11 August 30, 2021
- 12 e. USA served their First Requests for Production of Documents and First Set of  
13 Interrogatories to Plaintiff Lucille Lagasse on August 30, 2021
- 14 f. USA served their First Supplement to Initial Disclosures on September 1, 2021
- 15 g. Plaintiffs served their Second Supplement to Initial Disclosures on October 11,  
16 2021
- 17 h. Plaintiff requested updated medical records from currently-treating providers on  
18 October 12, 2021
- 19 i. Plaintiffs served their Third Supplement to Initial Disclosures on October 14, 2021
- 20 j. Plaintiff Lucille Lagasse served her Responses to USA's First Set of  
21 Interrogatories and First Set of Requests for Production on October 14, 2021
- 22 k. Plaintiffs served their Fourth Supplement to Initial Disclosures on October 16,  
23 2021
- 24 l. Plaintiff William Mayes as Guardian for Harry Michael Reid served his Responses  
25 to USA's First set of Interrogatories and First Set of Requests for Production on  
26 October 16, 2021
- 27 m. Plaintiffs served their Fifth Supplement to Initial Disclosures on November 5,  
28 2021

- n. Plaintiff propounded a first set of discovery requests (interrogatories and requests for production) to USA on December 7, 2021
- o. USA served their Second Supplement to Initial Disclosures on December 17, 2021
- p. USA served their Third Supplement to Initial Disclosures on January 25, 2022
- q. USA produced responses to Plaintiff's first set of discovery requests on February 4, 2022
- r. USA served their Fourth Supplement to Initial Disclosures on February 4, 2022
- s. Counsel for parties met and conferred on March 11, 2022 regarding Plaintiffs' discovery disputes relate to USA's first responses to Plaintiffs' written discovery requests, and have had subsequent e-mail correspondence
- t. Plaintiffs served their Sixth Supplement to Initial Disclosures on April 4, 2022
- u. USA took Plaintiff Harry Reid's deposition on April 7, 2022
- v. USA took Guardian Wayne Mayes' deposition on April 14, 2022
- w. Defense IME (Neurologist) of Plaintiff occurred on June 11, 2022
- x. Plaintiffs served their Seventh Supplement to Initial Disclosures on June 21, 2022
- y. USA served their Fifth Supplement to Initial Disclosures on July 1, 2022
- z. USA served their First Supplemental Responses to Plaintiffs' First Set of Interrogatories on July 1, 2022
- aa. USA served their First Supplemental Responses to Plaintiffs' First Set of Requests for Production on July 1, 2022
- bb. Plaintiffs served their Eighth Supplement to Initial Disclosures on July 12, 2022
- cc. Plaintiffs took fact witness Walter "Buzz" Blankenship's deposition on July 13, 2022
- dd. USA took fact witnesses Duane Rios's Deposition on July 28, 2022
- ee. Plaintiffs took fact witness NPS personnel Christopher Raynolds' deposition on September 16, 2022
- ff. Plaintiffs took fact witness NPS Ranger William Dentler's deposition on September 16, 2022

- 1 gg. Plaintiffs served their Ninth Supplement to Initial Disclosures on October 6, 2022
- 2 hh. USA served their Sixth Supplement to Initial Disclosures on October 11, 2022
- 3 ii. USA served their Second Supplemental Responses to Plaintiffs' First Set of
- 4 Requests for Production on October 11, 2022
- 5 jj. USA took party witness Lucille Lagasse's deposition on October 7, 2022
- 6 kk. The undersigned conducted a meet-and-confer pursuant to FRCP 30(b)(6) on
- 7 October 18, 2022, to discuss the scope of topics and scheduling for USA's 30(b)(6)
- 8 designee(s)
- 9 ll. Plaintiffs took fact witness NPS personnel Charles "Chuck" Patton's deposition
- 10 on October 21, 2022
- 11 mm. Plaintiffs served their Tenth Supplement to Initial Disclosures on November 4,
- 12 2022
- 13 nn. Plaintiffs served their Eleventh Supplement to Initial Disclosures on March 8,
- 14 2023
- 15 oo. The Parties filed a Stipulation for Protective Order for Confidential Information
- 16 on March 10, 2023
- 17 pp. Protective Order was granted on March 13, 2023 (ECF No. 32)
- 18 qq. Plaintiffs took fact witness NHP Trooper Matthew MacKinnon's deposition on
- 19 April 26, 2023 and May 5, 2023
- 20 rr. Plaintiffs took fact witness NHP Trooper Tyler Mleczko on May 5, 2023
- 21 ss. USA served its Seventh Supplement to Initial Disclosures on December 29, 2023
- 22 tt. Plaintiff Lucille Lagasse served her First Set of Requests for Admissions on
- 23 January 23, 2024
- 24 uu. Plaintiffs served their Twelfth Supplement to Initial Disclosures on January 23,
- 25 2024
- 26 vv. Plaintiffs served their Thirteenth Supplement to Initial Disclosures on February 7,
- 27 2024
- 28

- 1 ww. Rule 35 Neuropsychological Evaluation of Plaintiff Harry Michael Reid occurred  
2 on February 9, 2024
- 3 xx. USA produced the Rule 35 Report regarding the Neuropsychological Evaluation  
4 of Plaintiff Harry Michael Reid on February 18, 2024
- 5 yy. Plaintiffs served their Fourteenth Supplement to Initial Disclosures on February  
6 27, 2024
- 7 zz. Plaintiff Lucille Lagasse as Guardian for Harry Michael Reid served her  
8 Supplemental Responses to USA's First Set of Interrogatories and First Set of  
9 Requests for Production on February 29, 2024
- 10 aaa. Plaintiff Lucille Lagasse served her Supplemental Responses to USA's First Set  
11 of Interrogatories on February 29, 2024
- 12 bbb. USA served its Responses to Plaintiff Lucille Lagasse's First Set of Requests for  
13 Admission on March 11, 2024
- 14 ccc. Plaintiffs served their Fifteenth Supplement to Initial Disclosures on April 11,  
15 2024
- 16 ddd. Plaintiff Lucille Lagasse as Guardian for Harry Michael Reid served her Second  
17 Supplemental Responses to USA's First Set of Interrogatories and First Set of  
18 Requests for Production on April 11, 2024
- 19 eee. Plaintiff Lucille Lagasse served her Second Set of Requests for Admission on  
20 April 11, 2024
- 21 fff. Plaintiffs served their Initial Disclosure of Expert Witnesses on April 11, 2024
- 22 ggg. USA served its Designation of Expert Witnesses on April 11, 2024
- 23 hhh. Plaintiff Lucille Lagasse served her Amended Second Set of Requests for  
24 Admission on April 17, 2024
- 25 iii. Plaintiffs served their Sixteenth Supplement to Initial Disclosures on May 9, 2024
- 26 jjj. USA served its Eighth Supplement to Initial Disclosures on May 13, 2024
- 27 kkk. USA served its Designation of Rebuttal Expert Witnesses on May 13, 2024
- 28

1           III.     USA served its Responses to Plaintiff Lucille Lagasse's Amended Second Set of  
2                 Requests for Admission on May 17, 2024

3           mmm. Plaintiff Lucille Lagasse as Guardian for Harry Michael Reid served her Third  
4                 Supplemental Responses to USA's First Set of Interrogatories and First Set of  
5                 Requests for Production on May 23, 2024

6           3. Discovery Remaining

- 7                 a. Expert/Rebuttal Witness Depositions (All Parties)  
8                 b. Additional Disclosure Supplements, As Needed (All Parties)  
9                 c. Potential, Additional Fact Witness Depositions, As Needed

10          4. Proposed Modification

11          Based on the foregoing, the Parties seek to modify the discovery plan as follows<sup>2</sup>:

- 12          a. Close of Discovery: Extended from Monday, June 10, 2024 to **Tuesday, October 8,**  
13                 **2024** for the limited purpose of completing expert depositions and potential, additional  
14                 fact witness depositions.  
15          b. Deadline to file Dispositive Motions: Extended from Monday, July 8, 2024 to  
16                 **Tuesday, November 5, 2024.**

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28         <sup>2</sup> In the event a deadline occurs on a Saturday, Sunday, or legal holiday recognized by the Federal Rules of Civil Procedure (or the Court's Local Rules), then the time for complying with the deadline shall be extended to the next business day.

c. Deadline for filing Joint Pretrial Order: Extended from Thursday, August 8, 2024 to **Friday, December 6, 2024**. If a dispositive motion is filed, this deadline will be suspended until 30 days after the Court rules on the dispositive motion.

5. This request is made in good faith and not for purposes of delay.

**IT IS SO STIPULATED.**

Dated this 31<sup>st</sup> day of May, 2024

CLOSE LAW GROUP

/s/ Jason A. Close  
JASON A. CLOSE, ESQ.

*Attorney for Plaintiffs*

Dated this 31<sup>st</sup> day of May, 2024

JASON M. FRIERSON  
United States Attorney

/s/ Summer A. Johnson  
SUMMER A. JOHNSON, ESQ.  
Assistant United States Attorney  
*Attorneys for Defendant*

Dated this 31<sup>st</sup> day of May, 2024

EGLET ADAMS EGLET HAM HENRIOD

/s/ Artemus W. Ham  
ROBERT T. EGLET, ESQ.  
ROBERT M. ADAMS, ESQ.  
ARTEMUS W. HAM, ESQ.  
CASSANDRA S.M. CUMMINGS, ESQ.  
ASHLEY E. KABINS, ESQ.  
MAGGIE A. DIFEDERICO, ESQ.  
*Attorneys for Plaintiffs*

**IT IS ORDERED** that the stipulation is granted.

**IT IS FURTHER ORDERED** that, absent extenuating circumstances, this may be the Court's last extension.

  
HONORABLE BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

DATED: June 3, 2024